

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	22md3043 (DLC)
IN RE: Acetaminophen - ASD-ADHD	:	22mc3043 (DLC)
Products Liability Litigation	:	
	:	<u>ORDER</u>
-----	X	

DENISE COTE, District Judge:

The general causation expert discovery schedule in this multidistrict litigation is set forth in the February 1, 2023 Order: General Causation Discovery and Motions (22MC3043: ECF No. 47) ("Order"). A conference was held to discuss general causation discovery on February 1. At that conference, over the objection of the defendants, the Court ruled that rebuttal expert testimony should be included in the expert discovery schedule.

Pursuant to the Order, the plaintiffs disclosed by February 15 six subject matter areas for purposes of general causation. On March 1, the defendants disclosed a subject matter area in addition to the plaintiffs' disclosed subject matter areas: maternal fetal medicine. With the defendants' disclosure, the plaintiffs were required to disclose by March 15 whether they intended to designate an expert in that area. The plaintiffs did not file an additional disclosure of a subject matter expert on March 15.

On March 17, the plaintiffs notified the defendants via

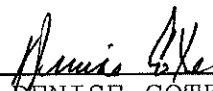
email that the plaintiffs would not submit an affirmative expert report on maternal fetal medicine but may submit a rebuttal expert report on this subject. The defendants objected. On March 27, the plaintiffs raised this dispute between the parties before the Court. On March 29, the defendants filed their response.

It is hereby

ORDERED that by **April 4, 2023**, the plaintiffs shall disclose to the defendants whether they intend to serve on the defendants an affirmative expert report on maternal fetal medicine by the Order's deadline of June 16.

IT IS FURTHER ORDERED that the plaintiffs may serve on the defendants a rebuttal report conforming to Fed. R. Civ. P. 26(a)(2)(D)(ii) on maternal fetal medicine only if the plaintiffs serve on the defendants an affirmative expert report on maternal fetal medicine by the Order's deadline of June 16.

Dated: New York, New York  
March 30, 2023

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge